

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenji ISSHIKI et al.
Group Art Unit : 1761
Appl. No. : 10/500,870 (U.S. National Stage of PCT/JP03/01222)
Examiner : Not Yet Assigned
I.A. Filed : February 6, 2003
Confirmation No. : 8728
For : METHOD OF EVALUATING QUALITY OF FOODS AND DRINKS
AND INDICATOR THEREFOR

ELECTION WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper is responsive to the Requirement for Restriction mailed from the Patent and Trademark Office April 24, 2007 in the above-referenced application. Inasmuch as this election is being submitted by the one-month shortened statutory period originally set in the Office Action to expire on May 24, 2007, no extension of time is believed necessary. However, if any extension of time is deemed to be necessary, the same is hereby requested and the Patent and Trademark Office is authorized to charge any extension of time fees and any other fees necessary for maintaining the pendency of this application to Deposit Account No. 19-0089.

Election

Applicants elect, with traverse, the invention identified by the Examiner as Group II, claims 8-14 and 16.

Traverse

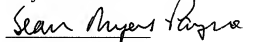
Applicants respectfully traverse the restriction requirement.

Applicants' traversal is based upon the fact that the Restriction Requirement fails to satisfy the requirements for supporting a restriction requirement under the PCT Rules. Applicants note that this application is a national stage, and thereby under unity of invention practice, the Examiner must establish that the claims lack unity of invention under PCT Rule 13.1 and 37 C.F.R. 1.475. The requirement does not discuss 37 C.F.R. 1.475, and therefore does not set forth an appropriate basis for finding a lack of unity of invention.

Additionally, Applicants respectfully note that the Examiner's conclusions relating to a lack of unity of invention are based entirely upon a finding that the subject matter of independent claims is found in the prior art. Accordingly, Applicants respectfully submit that the Office will be required to withdraw the Restriction Requirement upon reciting subject matter in the independent claims that is not disclosed in the prior art. Still further, Applicants respectfully reserve the right to rebut any statements that the Office has made relating to the disclosure of the present invention in the prior art.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Kenji ISSHIKI et al.


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May 23, 2007
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